

BOARD OF SELECTMEN  
Tuesday, March 18, 2014

A Board of Selectmen meeting was held in Conference Room A in Town Hall on Tuesday, March 18, 2014 with four selectpersons; Selectperson Wilkinson was absent, the Town Administrator and the Asst. to the Town Administrator.

7:00 Meeting Called to Order

Pledge of Allegiance and Moment of Silence

Selectmen Updates and Liaison Reports: Selectperson Murphy said he'd like to commend the School Committee, the Finance Committee, the Board of Selectmen, and Robert Liebow, School Superintendent, for getting the budget done while avoiding an override. He said this was a lot of hard work. Selectperson Lucas commented on an e-mail from Senator Warren's office, she stated that the FEMA bill that passed hasn't been signed into law yet. She said she thought it was a little vague. They were making sure the science was valid; the rate increases are for one year. The references to the maps weren't clear. Selectperson Lucas stated she would contact Senator Warren's office to gather more information.

Selectmen  
Updates and  
Liaison Reports

Public Comment Period: T. Arsenian, 95 Granite St., was speaking about the alcohol rules and hearing at the last meeting. He questioned if all the members of the board read the regulations before the hearing. He said an effort should have been made to solicit the neighbors of those who hold the licenses. He said he would like to speak on the Town Meeting Articles and the C.A. Tool Company when they come up on the agenda.

Public Comment  
Period

Frederick Tarr, 154 Main St., said he attended the MAPC Task Force meeting to discuss housing. He said there hasn't been much progress; the state doesn't care to fund small projects. There is a push to fund housing. They have a problem with tear-downs of affordable houses, and there are fewer houses with in-law apts. The North Shore task force meets monthly.

Action List:

Action List:

7:20 IMA with Gloucester for Wastewater Collection and Disposal Services at Long Beach: Selectperson Murphy moved that the Selectmen sign a new Intermunicipal Agreement with the City of Gloucester for the Collection, Treatment, and Disposal of Wastewater at Long Beach, seconded by Selectperson Sheedy, Vote: 4-0.

Intermunicipal  
Agreement  
w/Gloucester  
Motion  
Approved

Renewal of Seasonal Alcohol Licenses: Selectperson Sheedy moved that the Selectmen approve and sign Seasonal Liquor License application renewals for Brackett's Oceanview Restaurant, Ellen's Coffee Shop, The Fish Shack Restaurant, My Place by the Sea, and the Blue Lobster Grille, seconded by Selectperson Murphy, Vote: 4-0.

Renewal of  
Seasonal Alcohol  
Licenses  
Motion  
Approved

Cable Contract Renewal Representative: Selectperson Murphy moved that the Board of Selectmen appoint Mitchell Vieira as its representative on the Cape Ann Regional Cable Contract Renewal Negotiating Committee, seconded by Selectperson Sheedy, Vote: 4-0.

Cable Contract  
Renewal  
Representative  
Motion  
Approved

Acceptance of Resignation of Dog Officer: Selectperson Lucas moved that the Selectmen accept the resignation of Andrea Lucas as the Dog Officer effective March 28, 2014, seconded by Selectperson Murphy, Vote: 4-0.

Dog Officer  
Resignation  
Motion  
Approved

Approval to Hire Dog Officer Replacement: Selectperson Murphy moved that the Board of Selectmen approve the hiring of a Dog Officer to fill a vacancy, seconded by Selectperson Sheedy, Vote: 4-0.

Approval to Hire  
Dog Officer  
Motion  
Approved

Board Positions on  
Special Town  
Meeting Articles  
Motion Approved

Board Positions on Town Meeting Articles: Selectperson Sheedy moved that the Board of Selectmen support Articles A, B, C, D, E, F, G, and H on the April 5, 2014 Special Town Meeting Warrant, seconded by Selectperson Murphy, Vote: 4-0. Article A: transfer funds to balance the budget, Article B: pay unpaid bills, Article C: transferring old capital account for cemetery waterlines adding to Perpetual Care Fund, Article D: taking old (3) capital accts for painting Pigeon Hill standpipe, now replacing it, Article E: 2009 vote to buy video camera to put down in sewers to inspect them, transfer back to infiltration, Article F: transferring out of unexpended balances from sewer capital accts odor control, grit removal, into Dock Square Odor Control, Article G: widening scope of original article from 2006 DPW site engineer and architect, to also include DPW facility design and construction. Article H: authorize easement for National Grid or poles down to Bedrock Well to carry power lines. Selectperson Lucas said the CIPC looked at some accounts that had little amounts of funds.

Board Positions on  
STM Articles  
Motion Approved

Boards Positions on STM Articles: Selectperson Murphy moved that the Board of Selectmen support Articles I, J, K, L, M, N, O, and P on the April 5, 2014 Special Town Meeting Warrant, seconded by Selectperson Sheedy, Vote: 4-0. The Town Administrator said these are new projects so borrowing or appropriating funds is being requested. Article I: borrow \$150,000 to pay for power to Bedrock Wells, Article J: \$780,000 for Pigeon Cove seawall repairs after Feb storm (75% paid by FEMA). Article K: Pigeon Cove Seawall improvements not just repairs – but to make it stronger. Selectperson Lucas said the two seawalls total approximately \$4M in addition to what was previously appropriated, 75% from FEMA is likely; 18 months from FEMA declaration we must apply for FEMA funds, though extensions can be requested. Selectperson Sheedy said two projects were not reimbursed previously from FEMA (Mill Dam project and the Granite Pier project). Article L: Granite Pier revetment \$150,000, Article M: Granite Pier revetment project \$112,500 may be reimbursed by FEMA before town meeting, Article N: Granite Pier tip, Article O: \$87,000 storm damage to Back Beach seawall repairs and mitigation, Article P: sewer and access easement for 176 Main Street for the Ramsden's.

T. Arsenian, 95 Granite St., said he is suspicious to vote more funds for this mitigation project, he questioned if the first vote was inadequate. He said Back Beach was repaired at considerable expense and lasted only six months. He questioned who's to say these specifications are adequate. Selectperson Lucas said that's why it's in two articles; the \$780,000 would repair it back to its original condition.

Board Positions on  
ATM Articles  
Motion Approved

Boards Positions on ATM Articles: Selectperson Lucas moved that the Board of Selectmen support Articles 1, 2, 3, 4, 5, 5A, 5B, 6, 6A and 6B on the ATM Warrant, seconded by Selectperson Murphy, Vote: 4-0. Article 1: trust funds, nothing on Articles 2 and 3, Article 4: Personnel Board's compensation schedules, Article 5, 5A and 5B: operating budgets, Article 6, 6A and 6B: capital budgets. Selectperson Lucas questioned the Economic Development Committee; it was stated that is in Article 5.

Board Positions on  
ATM Articles  
Motion Approved

Boards Positions on ATM Articles: Selectperson Murphy moved that the Board of Selectmen support Articles A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, and T on the ATM Warrant, seconded by Selectperson Sheedy, Vote: 4-0. Article A: Chapter 90 funds, B, C, D, E: are grants made annually to Action, HAWC, Open Door and Senior Care. T. Arsenian is requesting an additional \$1,000 for the Action Shelter. Article F: information on real and personal property re-evaluations that the board of assessor's need, Articles G and H no motion, Article I: is \$79,000 for the OPEB trust fund, Article J: technology account, Article K: sets up a SPED stabilization account \$200,000, Article L is no motion – it was for an override, Article M: to exempt the police chief from civil service, Article N and O are related, Article N: Thacher Island Association and Town Committee repairing Keepers House and Oil House on Straitsmouth Island, a survey is necessary before donating the house to the town, Article O: Community Preservation, Article P: is the three parcels/properties, 59 High and 33 Atlantic Building Inspector says they are sturdy enough not to be razed. Article Q: is the Planning Board request to include new maps, Article R: is the petition article regarding the swap shop and metals pile, Article S and T are standard articles to hear the Ad hoc Water Committee and to accept the

printed Annual Report. Selectperson Murphy amended the motion to exclude Articles P and R. T. Arsenian said he is not in favor of accepting the Straitsmouth Island House; it's a liability. E. Hand, Landmark Lane, said they receive a fair amount of funds from private donations; he said he wouldn't be concerned about any liability to the town. Selectperson Murphy said residents can't access Straitsmouth. Frederick Tarr said now there is a path going from the lighthouse area over to the cove. He said it isn't fixed up yet but it will be a good entry point for anyone who wants to go there. Selectperson Murphy amended his motion and moved that the Board of Selectmen support Articles, A, B, C, D, E, F, G, H, I, J, K L, M, N, O, R, S, and T seconded by Selectperson Sheedy, Vote: 4-0. Selectperson Sheedy moved that the Board of Selectmen support Article P on the ATM, seconded by Selectperson Murphy, Vote: 3-0, Selectperson Lucas recused herself.

## 7:55 Discussion Items

Basketball Hoop at 42 Atlantic Avenue: Justin Mears, 40 Atlantic Avenue, wrote letter a letter to the board; he said the placement and use of the basketball hoop is a burden for him to protect his property and they have tenants as well. He said they can't control when his neighbors play basketball. He is asking that the board revoke the permit issued in June of 2013. He said DPW Director Parisi had made a comment at the June meeting "there is a liability issue for the town if someone is hurt". If someone falls or gets injured who is responsible? He said he has a crushed stone driveway; little pebbles come out of the driveway, what happens if someone slips. Chairperson Battistelli said this has been there since 2010, and questioned if it was posing a concern earlier. J. Mears said yes, but they tried to work with their neighbor, they went to the Traffic Committee, the Traffic Committee said this has to be removed; it's in the road layout and this is a public safety issue. Selectperson Sheedy inquired if there has been an incident where the Mears' property has been damaged. He said there has been some damage, but it's difficult to prove how the damage occurred. Selectperson Murphy said this is a neighbor dispute; the Board of Selectmen shouldn't take an action here. J. Mears said at the prior meeting, Selectperson Sheedy stated she was "fine with it as long as the permit can be revoked, if necessary". J. Mears said his family can't use the hoop. Chairperson Battistelli asked the Town Administrator about another permanent hoop that was going to be removed. The Town Administrator said the town sent letters out to every permanent hoop to remove them. Selectperson Murphy said the mailboxes were in the way as well. Selectperson Murphy asked if J. Mears would change his position if he could use the hoop. He said no, this is a liability issue. No action taken on this; it will be continued.

CATA Pilot Program Hours – postponed as Selectperson Wilkinson is not present.

Cape Ann Tool Company Chapter 91 License: Chairperson Battistelli said Ben Lynch/DEP Waterways has reviewed the information submitted by the owner. One layer is the applicant going to the Conservation Commission for the order of conditions. The state has a couple of concerns; but she said we're not that far away here. Chairperson Battistelli said she would like to see the project move forward and be improved and put back on the tax rolls. She is asking if this board should sponsor a meeting, not a public hearing, with Ben Lynch/DEP Waterways and the owner. This could provide an update on what the proposal looks like now, while the state is reviewing the application; maybe in mid-April. Selectperson Sheedy said she is in favor of such a meeting. Chairperson Battistelli said the public walkway went to the edge of the property in the original plan; the current proposal stops the walkway just before the last two lots. She said that is a concern for a lot of individuals. Selectperson Murphy said he is in favor of such a meeting as well; maybe a Saturday meeting would be best. He said the majority of the townspeople want to see this project move forward. He said maybe Ben Lynch can give us an update on his position and the owners can be there as well. Selectperson Murphy recommended that the Town Administrator or the Asst. to the Town Administrator contact the DEP and the owner and invite them to this meeting to review the plan.

Marcia Siegel, Castle Lane, Rights of Way Committee, asked what deadlines have been set for public comment. She said the Rights of Way Committee was not notified that the plan has

Discussion  
Items:

Basketball Hoop  
at 42 Atlantic  
Avenue

CATA Pilot  
Program Hours  
Postponed

C. A. Tool  
Company  
Chapter 91  
License

changed and we've already asked them about the walkway. She questioned if it is too late for public comment.

Chairperson Battistelli said after the public hearing in May there was a public comment period. In July there was a letter to the applicant from the state asking for additional information. In November there was a submittal to DEP; we learned about that in December. She said she was fairly sure a copy went to the ROW, Planning Board, etc. She said that was the applicant's response, since that time it's in the state's hands. She said personnel changed at the state level, but it's up to the state at this point. She stated that she doesn't want to be viewed as obstructing the project.

Selectperson Lucas questioned if we are obstructing the plan here with another level holding another meeting.

T. Arsenian, 95 Granite St., said the DEP has abandoned the law; the ruling was supposed to be within 60 days. We were supposed to get answers to the questions at the public hearing. He said he does not support the project. He said there have been substantial changes in the plan and the public should have a chance to comment. He spoke about the requirement of water dependent uses that were stated in the Rockport Municipal Harbor Plan. He said this project will move forward.

Chairperson Battistelli said the Harbor Plan was not adopted.

Marcia Siegel, said she likes the idea of a public disclosure as to where this is right now; there's been nothing in the newspaper about this change. She would like to see the state receive input from the public at this time.

Chairperson Battistelli said that is the purpose of the meeting we're proposing. Even at the meeting, the public's reaction would be important for the state to hear.

E. Hand, went to the DEP website; he reviewed what are the differences between water dependent uses and non-water dependent uses. The walkway is the critical thing and who can use the dock (transient vessels and the water taxi). He said we can have the meeting, but we need to be aggressive here and state what we want.

Chairperson Battistelli said the Board's role here is to be sure people know what is being proposed.

Pat Edgerton, 86 Main Street and the Planning Board, said they seem to be minimizing the small amount of the walkway, she said we were given that instead of the park.

T. Arsenian, they must have all the local permits; that's not going to happen overnight. He said he asked the Building Inspector if they had to go through Site Plan Review; the Building Inspector said he couldn't comment on a plan until the project had been submitted to him. T. Arsenian said he wouldn't encourage residents to send their comments to DEP, because the public comment period has closed.

Jane Moginot, Curtis Street and Rights of Way Committee, said the longer this waits the longer no taxes.

Chairperson Battistelli said other projects that could be developed in that neighborhood are being delayed waiting for this project to move forward. She said she wants to be sure that the state hears public comment before they make their decision.

Other Business/Announcements: Selectperson Murphy moved to set up a meeting on the progress and update on the Tool Company project and invite the Planning Board, the Rights of

Way Committee, the DEP, the property owners, and any other interested parties, seconded by Selectperson Sheedy, Vote: 4-0. Try to plan for the week of 4/8.

8:30 Selectperson Murphy moved to adjourn, Selectperson Sheedy seconded, Vote: 4-0

Warrant signed:

Warrant signed for the Fiscal Year 2014 Payroll and Expenses for the week of 3/20/14 in the amounts of \$487,806.03 and \$438,511.81 respectively.

Items signed:

John and Dianne Wonson release

Intermunicipal Agreement with Gloucester

Brackett's Oceanview, ABCC

Brackett's Oceanview, Common Victualler's License

Ellen's Coffeeshop, ABCC

Ellen's Coffeeshop, Common Victualler's License

The Fish Shack, ABCC

The Fish Shack, Common Victualler's License

My Place by the Sea, ABCC

My Place by the Sea, Common Victualler's License

Blue Lobster Grille, ABCC

Blue Lobster Grille, Common Victualler's License

Seaward Inn, Seasonal Alcohol License

Ellen's Harborside, Entertainment License

Pleasant Street Inn, Innholder's License

Rockport House of Pizza, Common Victualler's License

Long Beach Lease, Lot #14